

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050 and 2003 of the Fish and Game Code and to implement, interpret or make specific sections 711, 713, 1050 and 2003 of said Code, proposes to amend Section 230, Title 14, California Code of Regulations, relating to special provisions for black bass tournaments.

Informative Digest/Policy Statement Overview

Section 1.17, Title 14, California Code of Regulations (CCR), provides that no more than one daily bag limit of each kind of fish, amphibian, reptile, mollusk or crustacean named in these regulations may be taken or possessed by any one person unless otherwise authorized; regardless of whether they are fresh, frozen, or otherwise preserved. Current regulations (Section 5.00, Title 14, CCR) also provide specific bag limits for black bass and no provisions of any regulations exempt any participant in a black bass fishing contest (tournament) from the sport fishing regulations.

However, the Department of Fish and Game as part of Event Permit conditions for fishing contests may authorize an exemption to new regulations which impose an increased minimum size limit larger than 12 inches, a slot size limit, or a reduced bag limit less than five fish. Permit regulations also provide that "insofar as possible; all fish shall be returned to the water alive and in good condition".

The aforementioned exemption does not provide for exceeding the daily bag and possession limit. Local and National angling organizations have requested an exemption to allow for exceeding the daily bag and possession limits for permitted contests under the provisions and conditions of contest permits. This exemption would allow permitted contests to continue a tradition of maintaining a daily bag limit of fish in a livewell while anglers continue to catch and release fish. These requests are based on the provision that all fish caught in the permitted contest will eventually be released alive, barring any unforeseen mortality.

The Department is proposing to allow anglers, authorized under an Event or Annual Black Bass Contest Permit, to continue to catch and release black bass once they reach their daily bag limit. Under the proposed regulation, once the daily bag and possession limit has been reached, each additional fish caught must immediately be returned to the water alive and in good condition, or be used to replace a fish being maintained alive and in good condition from the participant's livewell or other suitable holding facility. Anglers will not be authorized under this proposed regulation to have more than the daily bag and possession limit in their livewell or other suitable holding facility at anytime during the permitted event.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, 301. W. Line Street, Bishop, California on Friday, June 24, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 17, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than June 24, 2005, at the hearing in Bishop, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Robert R. Treanor or Sherrie Koell at the preceding address or phone number. **Ed Pert, Chief, Fisheries Programs Branch, Department of Fish and Game, phone (916) 445-3616, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Given that there is no significant change to the existing contest format, the proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: April 26, 2005

Robert R. Treanor
Executive Director